

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

PHILLIP GENE BATES

PLAINTIFF

V.

Criminal No. 6:19-CV-06009

SERGEANT LEVI JAMERSON

DEFENDANT

**ORDER**

The Court has received a Report and Recommendation (ECF No. 53) from United States Magistrate Judge Barry A. Bryant. Plaintiff Phillip Gene Bates, proceeding in *pro se*, filed civil rights action pursuant to 42 U.S.C. § 1983 alleging that he was brutally assaulted by Defendant Jamerson inside the Garland County Detention Center (ECF Nos. 1, 6). Plaintiff proceeds against Defendant in both his personal and official capacities. Defendant Jamerson has filed a Motion for Summary Judgment (ECF No. 43) arguing Plaintiff failed to exhaust administrative remedies prior to filing suit. Upon review of the Motion and Plaintiff's Response in Opposition (ECF No. 47), Judge Bryant recommended granting the Motion and dismissing the Complaint with prejudice. Plaintiff filed Objections to the Report and Recommendation (ECF No. 54, 55), and the matter is now ripe for consideration.

Having conducted a *de novo* review of the portions of the report and recommendation to which Petitioner has objected, 28 U.S.C. 636(b)(1), this Court finds the Objections offer neither law nor fact requiring departure from the Magistrate's findings. Accordingly, the report and recommendation (ECF No. 53) is proper, contains no clear error, and should be and hereby is

ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that the Motion for Summary Judgment (ECF No. 43) should be and hereby is GRANTED, and the Complaint (ECF No. 1) is DISMISSED WITH PREJUDICE.

SO ORDERED this 26th day of January 2021.

/s/Robert T. Dawson

ROBERT T. DAWSON  
SENIOR U.S. DISTRICT JUDGE